



## Austin City Council MINUTES

JANUARY 26, 1995 - 1:00 P.M.

Mayor Pro Tem Nofziger called to order the meeting of the Council, noting the absence of Mayor Todd and the temporary absence of Councilmember Mitchell.

### MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of January 19, 1995 and Special Meetings of January 18 and 19, 1995.

Approved Minutes for Regular Meeting of January 19, 1995 and the Special Meetings of January 18 and 19, 1995 on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd absent, Councilmember Mitchell temporarily absent.

### CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Joni R. Hughes-Quinn, to discuss pupil-teacher relationship.
3. Mr. William W. Ralphs, Am victory program tutor. Concern re: Laurie Farmer's position. Resolution achieved. Here to report program and compliment assistance and associates and assistants at Oak Springs Branch.
4. Mr. Roger Baker, to discuss matters arising.
5. Mr. Henry Ratliff, address "Prospects for '95".
6. Mr. Gus Pena, discuss juvenile crime, juvenile detox center, soup kitchen, more funding for youth programs, increase of substance abuse (i.e. octane booster)
7. Mr. Joe Quintero, to discuss the increase of crime in East Austin, increase of substance abuse (octane booster); youth need more programs.  
Not present.
8. Mr. David Trevino, to discuss crime in East Austin, substance abuse increase in East Austin; need for more funding for youth programs.  
Not present.
9. Mr. Shaun Stenshol, to discuss how the City of Austin needs to not build a new fossil-fueled power plant - this naturally includes natural gas and the need to make renewable energy the only new form of energy production.

### ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Approve the award of a construction contract to CAPITAL EXCAVATION COMPANY, Austin, Texas, for the South Access Road Construction for Austin-Bergstrom International Airport, in an amount of \$3,733,411.11, plus a contingency fund of \$373,000 for change orders, for a total contract amount of \$4,106,411.11. (Funding in the amount of \$4,106,411.11 was included in the 1994-95 Capital Budget

of the Aviation Department.) Low bid of seven (7). 35.39% DBE Subcontracting participation: 32.65% MBE, 2.74% WBE.

Approved on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Mayor Todd absent, Councilmember Garcia out of the room.

#### ORDINANCES

11. Amend Chapter 8-13 of the Austin City Code by adding a section allocating up to two additional taxicab permits to taxicab franchise holders providing wheelchair accessible van service. (Increased revenue will be contingent upon Franchise holders ability to provide services. Annual revenue of \$400 per taxi.) [Recommended by the Urban Transportation Commission]

Approved Ordinance No. 950126-E on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote, Mayor Todd absent.

12. Amend Section 15-1-2, Subsection (H) of the Austin City Code to update the criteria for entering into street vending license agreements and add Subsections (K) and (L). [No fiscal impact.]  
Pulled

13. Correct an error in the field notes of Ordinance 940908-0 which annexed approximately 33 acres of land to the City of Austin (No fiscal impact.)  
Approved Ordinance No. 950126-A

14. Amend Part IA of Ordinance No. 940912-G by revising the classifications for City of Austin Firefighters to reflect civil service staffing changes due to the opening of the new fire station at Harris Branch. (Funding in the amount of \$119,768 is available in the 1994-95 operating budget of the Austin Fire Department.)  
Approved Ordinance No. 950126-B

15. Approve the addition of Article XVII to Chapter 18-4 of the Austin City Code of 1992 to establish terms and procedures for receipt and administration of wastewater billing adjustments for customers utilizing evaporative cooling towers; amend Ordinance No. 940912-C to establish a fee of \$75 for processing applications for approval of the Adjustment; and authorize revocation of the Adjustment for violations of the ordinance. (Estimated revenue is \$750. The Evaporative Loss Adjustment is expected to reduce annual wastewater revenue by approximately \$90,000. This was not included in the 1994-95 operating budget.) [Recommended by the Water and Wastewater Commission]  
Approved Ordinance No. 950126-C

16. Authorize acceptance of \$1,085,663 in grant funds from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), for the Ryan White/Title I Formula grant program; amend Ordinance No. 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating an additional \$85,663 in grant funds for the Health and Human Services Department special revenue fund, for a total grant amount of \$1,085,663; and authorizing 1.5

grant funded Full Time Equivalent (FTE) positions. (Funding is available from the U.S. Department of Health and Humans Services, Health Resources and Services Administration, Ryan White/Title I Formula Grant. Funding of \$1,000,000 was included in the 1994-95 Special Revenue Fund for the Health and Human Services Department.) [Related to Item 17]  
Approved Ordinance No. 950126-D

## RESOLUTIONS

17. Authorize negotiation and execution of twelve (12) month contracts with ALLGO/INFORME SIDA, in an amount not to exceed \$56,087; AIDS SERVICES OF AUSTIN in an amount not to exceed \$229,575; ATC/MEHR C.A.R.E. UNIT in an amount not to exceed \$82,783; COMMUNITY ACTION, INC., in an amount not to exceed \$79,218; CTMF HIV STUDY GROUP in an amount not to exceed \$47,313; HIV WELLNESS CENTER in an amount not to exceed \$38,765; INTERACT in an amount not to exceed \$37,450; PEDIATRIC AIDS LEAGUE in an amount not to exceed \$28,910; PEOPLE'S COMMUNITY CLINIC in an amount not to exceed \$14,000; PROJECT TRANSITIONS in an amount not to exceed \$91,920; SECOND MILE in an amount not to exceed \$45,000; and WATERLOO COUNSELING CENTER in an amount not to exceed \$50,150, for a total amount not to exceed \$801,171. (Funding is available from the U.S. Department of Health and Human Services, Health Resources and Services Administration, Ryan White/Title I Formula Grant.) [Related to Item 16]  
Approved
18. Correct the resolution adopted on December 1, 1994 for notices to Travis County Emergency Services District No. 2 and No. 4 of an annexation during 1994 and a reference to Travis County Emergency Services District No. 4. (No fiscal impact.)  
Approved
19. Authorize three (3) Interlocal Agreements with Travis County Emergency Services District No. 4 and Travis County for the provision of First Responder Fire and EMS Services to the Milwood 12-21 and Adey Subdivision annexation areas and to the areas along the north shoreline of Lake Austin adjacent to the District's service area for an initial term of two (2) years and a renewal term of one (1) additional two (2) year period. (Funding in the amount of \$23,532 is available in the 1994-95 operating budget of the Fire Department. Funding for the remaining three (3) months and the extension options will be contingent upon available funding in future budgets.)  
Approved
20. Approve negotiation and execution of an Interlocal Agreement with Springwoods MUD setting out terms and conditions for City operation and maintenance of a biocide injection system at Hunter's Chase Lift Station. (Estimated cost of \$5,500, dependent on variations in treatment dosages required. Funding is available in the 1994-95 operating budget of the Water and Wastewater Utility.) [Recommended by the Water and Wastewater Commission]  
Approved
21. Authorize negotiation and execution of Amendment No. 4 to Professional Services Agreement with CH2M HILL, INC., Austin, Texas, for additional Phase II design and

Phase III construction engineering services for the Walnut Creek Wastewater Treatment Plant Corrosion Rehabilitation Improvements Project, in the amount of \$228,000 for a total agreement amount of \$935,755. (Funding was included in the 1994-95 Approved Capital budget of the Water and Wastewater Utility.) 22% MBE, 10% WBE Subconsultant participation. (Recommended by the Water and Wastewater Commission)  
Approved

Items 13 - 21 approved on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Mayor Todd absent, Councilmember Garcia out of the room).

22. Authorize an escrow agreement with the Texas Department of Transportation for the relocations of existing water and wastewater utilities as part of the US 183 improvements, from the Williamson County Line to Hunter's Chase, in the amount of \$2,144,600. (Funding was included in the 1991-92 Approved Capital budget of the Water and Wastewater Utility.) [Recommended by the Water and Wastewater Commission]  
Approved on Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote, Mayor Todd absent.
23. Approve the selection of RABA-KISTNER-BRYTEST, Austin, Texas, and MAXIM ENGINEERS, Austin, Texas, for negotiation and execution of a rotation list contract to provide asbestos related consultant services for the City Asbestos Management Program, in the amount of \$800,000 (approximately \$400,000 per firm). [Funding was included in the 1994-95 Capital budget of the Public Works and Transportation Department.] Best qualification statements of three (3). Subconsultant participation: RABA-KISTNER-BRYTEST: 12% MBE, 9% WBE; MAXIM ENGINEERS: 11% MBE, 7% WBE.  
Approved
24. Approve an increase of \$150,000 to amend a Neighborhood Commercial Management Program Loan, for a total amount not to exceed \$480,000, to the East Austin Economic Development Corporation for construction of a two-story 8,500 square foot office building in the East 11th Street Commercial Redevelopment Area and approve an increase of the five year lease agreement rate for 6,000 square feet of the newly constructed building by twenty-four (24) cents \$.24 per square foot per month, for a total lease agreement rate not to exceed one dollar and twenty four cents \$1.24 per square foot per month. (Funding is available in the 1994-95 Special Revenue Fund of the Planning and Development Department.) [Recommended by Housing Subcommittee]  
Approved

Items 23 - 24 approved on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Mayor Todd absent, Councilmember Garcia out of the room.

25. Approve a Neighborhood Commercial Management Program Loan to Lawrence C. Mathis for the purchase of a building located at 2011 Anchor Lane for lease to Smart-Mail of Austin, Inc., in an amount not to exceed \$210,000. (Funding is available in the 1994-95 Special Revenue Fund of the Planning and Development Department.) [Reviewed by Housing Subcommittee]  
Approved on Councilmember Goodman's motion, Councilmember Shea's second, 5-0-1 vote, Mayor Todd absent, Councilmember Mitchell abstaining.

26. Approve a construction contract award to CON-REAL, INC. (MBE), Grand Prairie, Texas, for remodeling of the Water & Wastewater Utility's South Industrial Drive Service Center, located at 3907 South Industrial Drive, in an amount not to exceed \$1,394,260. (Funding was included in the 1994-95 approved Capital budget of the Water and Wastewater Utility.) Low bid of two (2). 35.9% MBE, 2.83% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission).

Pulled

27. Set a public hearing on an ordinance renew a charter bus franchise for the Kerrville Bus Company. (Suggested date and time: February 2, 1995 at 4:30 p.m.) Approved on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Mayor Todd absent, Councilmember Garcia out of the room.

28. Set a public hearing on an application to increase the taxicab rate of fare. (Suggested date and time: February 2, 1995 at 5:00 p.m.) Approved on Councilmember Mitchell's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

29. Set a public hearing to adopt the Austin Metropolitan Area Transportation Plan (AMATP). (Suggested date and time: February 9, 1995 at 5:00 p.m.) Approved

30. Set a public hearing to amend Title XIII Land Development Code of the Austin City Code of 1992, by deleting the reference to April 29, 1990 in Section 13-1-481 as one of the criteria for excluding the balance of an original tract in subdivisions. (Suggested date and time: February 23, 1995 at 4:30 p.m.) Approved

Items 29 - 30 approved on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second. 5-0 vote, Mayor Todd absent, Councilmember Garcia out of the room.

#### ITEMS FROM COUNCIL

31. Amend the Campaign Finance Ordinance. (Councilmembers Eric Mitchell and Ronney Reynolds).  
Postponed indefinitely.

32. Approve a resolution expanding the membership of the Disparity Ordinance Working Group. (Councilmembers Eric Mitchell and Gus Garcia)  
Approved on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Mayor Todd absent, Councilmember Garcia out of the room.

33. Approve a resolution creating the Joint Use Working Group and Joint Use Policy Committee to coordinate public facilities planning and use initiatives among local governments and educational institutions. (Councilmembers Brigid Shea and Gus Garcia).  
Postponed until February 2, 1995.

**4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES**

34. C14-94-0153 - LYNDIA LANKFORD (Mark Hall), by Ann M. Kirkby, 5340 to 5346 Thunder Creek Road. From LR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning limiting development to that which would generate less than 2,000 vehicle trips-per-day, and subject to dedication of 35 feet of right-of-way from the existing centerline of Thunder Creek Road.  
Approved Ordinance No. 950126-F
35. C14-94-0154 - JOHN E. JOSEPH, by Graves, Dougherty, Hearon & Moody (David Herndon), 4717 to 4801 Spicewood Springs Road. From SF-3 to LO. Planning Commission Recommendation: To Grant LO, Limited Office, zoning subject to dedication of up to 60' of right-of-way from the existing centerline of Spicewood Springs Road.  
Approved 1st reading only

Items 34 - 35 approved on Councilmember Garcia's motion, Councilmember Mitchell's second, 6-0 vote, Mayor Todd absent.

36. C14-94-0135 - FAMILIA INVESTMENTS (Richard Lundsén), 5400 Freidrich Lane. From SF-3 to MH. Planning Commission Recommendation: To Grant MH-CO, Mobile Home-Conditional Overlay and RR, Rural Residence for that area that falls within the 100-year floodplain. The provision of the conditional overlay will limit the number of mobile home pad sites to 153.  
Approved Ordinance No. 950126-G on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent. The applicant and the neighborhood agreed on the following points:
- 1). In regard to items #1 and #2, The applicant assures that all utilities and drainage, both on site and off, will be thoroughly planned by the applicant's engineer and reviewed by the City so as to ensure strict compliance with all City standards and requirements;
  - 2). The applicant will take down the tree house and any remaining debris will be cleaned up and removed no later than February 13, 1995. Any other similar situations that will be identified will be dealt with similarly per the Mobile Home park rules and regulations.
  - 3). The Neighborhood Association will advise the Mobile Home owners of their choices in participating in the Neighborhood Association Program, including forming their own association and/or becoming part of an existing association.
  - 4). The applicant, who has owned the property for 3 1/2 years, will continue to maintain a quality community as new lots come on line. Both part-time and/or seasonal help will be used to assist the full-time on-site manager.
  - 5). The subject of cleaning up the trash that has been dumped on our property has been previously addressed and scheduled to be cleaned up as soon as weather and access will permit, hopefully no later than March 1st.
  - 6). A community suggestion box will be installed in our mailbox area within the next 30 days.
  - 7). So as to be sensitive to current school enrollment levels, the applicant agrees to implement expansion in phases not to exceed 12-15 lots per phase, as approved by the City Planning Department.

37. C14-94-0038 - HAROLD C. ANDERSON, By Security Knowledge Center (Sammy Langford); 6604 Berkman Drive. From SF-3 to GR. Planning Commission Recommendation: To grant GO, General Office, zoning subject to the following conditions: (1) limited to business and trade school uses, and permitted NO, Neighborhood Office uses: (2) minimum parking spaces required = 10.

Approved substitute motion, offered by Councilmember Reynolds, seconded by Councilmember Garcia, to postpone zoning case for 1 week, 5-0 vote, Mayor Todd absent, Councilmember Mitchell out of the room.

**EXECUTIVE SESSION** (No Public Discussion on These Items)

Executive Session was held on the morning of this date

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

**Real Estate - Section 551.072**

38. Discuss possible real estate transactions related to Brackenridge Hospital.

**Real Estate Acquisition - Section 551.072**

39. Discuss fee simple acquisition of real property for the construction of the Creek Bend Flood Control Project.
40. Discuss the acquisition of Water Booster Pump Station Easement, Ingress/Egress Easement and Temporary Construction Easement for the construction of a water booster pump station.

**ACTION ON THE FOLLOWING**

41. Authorize fee simple acquisition of real property located at 4601 Creek Bend Drive for the construction of the Creek Bend Flood Control Project.

Approved for \$63,000 on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Mayor Todd absent, Councilmember Garcia out of the room.

42. Authorize the acquisition of Water Booster Pump Station Easement, Ingress/Egress Easement and Temporary Construction Easement located on property located near Walnut Clay Drive and Cat Mountain Drive for the construction of a water booster pump station.

Approved for \$100,396 on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Mayor Todd absent, Councilmember Garcia out of the room.

**43. APPOINTMENTS**

**DISPARITY STUDY WORK GROUP - Asian American community Representative: David K. G. Chan, Alternate Harish Malkani  
American Indian community Representative: Jody Kehle,  
Alternate Allison Clawson  
Interested Member of the Community: Carol S. Hadnot**

**Approved on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second. 3-0 vote, Mayor Todd absent, Councilmember Garcia out of the room.**

**ADDENDUM**

**RESOLUTIONS (continued)**

**44. Approve execution of a contract with AT&T CORPORATION, Austin, Texas, for the purchase and installation of an AT&T Definity PBX Telephone system for Municipal Court, in an amount not to exceed \$300,000. (Funding was included in the 1994-95 Capital Budget of Municipal Court.) Sole Source. No M/WBE Subcontracting opportunities were identified.**

**Approved on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second. 5-0 vote, Mayor Todd absent, Councilmember Garcia out of the room.**

**RECESSED from 3:00 P.M. until 4:00 P.M.**

**ADJOURNED at 4:56 P.M. on Councilmember Reynolds' motion, Mayor Pro Tem Nofziger's second, 6-0 vote.**

**Approved this the 2<sup>nd</sup> day of February, 1995 on Councilmember Goodman's motion, Councilmember Garcia's second, 6-0 vote, Mayor Todd absent.**